

Family and neglect: an analysis of the concept of child negligence

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Abstract *The aim of this paper is to specify and investigate the types of negligence practiced on families in the context of healthcare that are considered to be insufficient or inappropriate for children and adolescents. These reflections are part of a previous study that analyzed how the concept of negligence is defined and applied in Brazilian academic studies, and indicated that a large part of the cases of negligence practiced against children is attributed to the sphere of the family. This present discussion seeks to consider families in their plurality. It is a qualitative study made from an interpretative anthropological point of view. The results indicate that there are accusatory labels, and serious omissions in relation to the configurations of families – underlining the complexity of defining a situation as negligence: families can reproduce, practice, or suffer negligence.*

Key words *Families, Children, Negligence, Child negligence, Domestic violence*

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Introduction

This article seeks to specify, analyze and interpret the names given to types of negligence practiced on families in healthcare for children and adolescents, and their moral implications. Negligence is a public health problem affecting numerous families in society.

In the context of health, this naming is part of the typologies of presentation of interpersonal violence: physical violence, psychological violence, sexual violence and negligence¹. First, one should highlight the addition of “negligence” to the categories of violence, as a phenomenon of the same order, in spite of the categories that sustain them being very different in meaning (intentionality corresponding to violence; and omission corresponding to negligence). Based on this inclusion in the scope of types of violence, the *Global status report on violence prevention 2014*² expands the magnitude of the problem by stating that: *abuse and negligence by children and other carers affect millions of children in the world.*

The second assumption involved in the naming of negligence is that there is supposedly a parameter of care, considered to be socially acceptable and able to provide the essential needs of children and adolescents. In general this delimitation, in spite of ‘recognizing’ the differences between each culture of care, universalizes an acceptable limit of tolerance, associated with the parameters of ‘growth and development’ of children and adolescents. These concepts, which have a strong biomedical profile, are more or less renegotiated according to whoever is employing them based on a comparative view as to the possible parameters of care for a given social class, the resources available in the community and the subjective aspects of ‘family commitment’ in seeking to meet the needs of children and adolescents.

The third aspect of this discussion is the institutional power of the agents and agencies for protection of children in classifying acts and families as negligent, and the consequences that such definitions create, often functioning as a device of control for adherence to the professional recommendations (whether it be adherence to therapies, behaviors, practical life actions, etc.).

The child, socially recognized as ‘vulnerable’ – whose rights, defined in the Brazilian Constitution of 1988³ and consolidated principally in the Brazilian Children’s and Adolescents’ Law of 1990⁴, are under suspicion of being violation or negated – will take the legitimated role of ‘victim’. Sarti⁵ correlates *production of the victim* to

the fields of law and health. She says that *the victim gains recognition and affirms himself through his ‘rights’* (page 100), in such a way that an act is attributed as violence starting from the basis of a preliminary conception of victim, socially defined as such, and susceptible to care in the field of health.

We are not unaware that there are serious situations of negligence on the part of the family, that can put the life of a child at risk; but there are also cases in which certain behaviors classified as parental or family negligence reflect a link to cultural practices or situations caused, among other factors, by financial or social impossibility. There are many issues and aspects in the Brazilian scenario and family context that permeate the subject and underline the need for a critical reflection in the question of whether to describe a family as negligent, or neglected.

We observe that the concepts of care as often accepted can act as a form of domination and social control, when new directives are put in place and are submitted to a regime of vigilance of care in infancy. In this situation, non-compliance with certain rules of care is translated into negligence, and consequently becomes subject to punishment.

In this context, this article seeks to specify, analyze and interpret the centrality of the dialogs of negligence in infancy on the diversities of families in the Brazilian context, with the support of anthropological studies, such as that of Geertz⁶, and analyses inspired by and based on the theories of Foucault^{7,8}, such as the works of Nascimento⁹⁻¹¹. The aim of this is to that the problem can be identified and discussed taking into account the complexity that such a classification involves, avoiding the reproduction of discourses that do not consider the moral and social conceptions that result in the position of victim, or aggressor, being attributed to families.

Method

This is a qualitative study of Brazilian scientific output on the subject of ‘family negligence’ based on a previous bibliographical study on the concept of negligence. The bibliographical study was carried out on papers found in the Virtual Health Library (*Biblioteca Virtual de Saúde*), Scielo, Scopus and *Web of Science*, applying the search criteria: abuse, *negligência*, negligence, neglect, malpractice, abuse of children, ill treatment of minors, negligence in infancy, child negligence, abandonment of minors, child, children, *criança*.

The period studied covered publications in the 1980s, 90s and 2000s.

Among articles, dissertations and theses on negligence against children, 30 texts constituted the final research body, in the following areas: 8 clinical, 8 psychology, 4 social service and 10 public health. We adopted a criterion of exclusion for work that did not discuss the Brazilian context. The group of materials for study was organized by area and into two groups. Since the situations of negligence are frequently approached together with other types of violence, in the first group we brought together the publications that dealt with violence against children. For the second group, we selected the texts that specifically dealt with negligence, and we grouped them in accordance with the areas of knowledge chosen. The majority of the texts were read in full. For the three publications of which the texts were not made available in full, we analyzed only the abstracts.

The analysis below takes as its starting point the understanding that the constitution of the concept of negligence is permeated by economic, social and cultural aspects. The anthropological discourse on studies of families shows us the different modes and styles of life, and practices in caring for children and elderly people (among other examples, oriented by the socio-cultural universe in which the families are situated). Having said that, we inform the reader of the lenses that are adopted here – oriented by the interpretative anthropological point of view, as coined by Clifford Geertz – in the analysis of the texts in the group of papers we collected. Geertz⁶ states that the concept of culture that he argues and uses in his studies:

[...] is essentially semiotic. Since I agree, with Max Weber, that man is an animal tied to webs of meanings that he himself has spun, I assume culture as being these webs and their analysis; thus, not as an experimental science looking for laws, but as an interpretative science, looking for meaning⁶.

On this same line of anthropological analysis, we also indicate the aspect of ethnographic location that we attribute to the texts analyzed. Thus, academic publications are our field of research frequented and inhabited by families, children and professionals interacting and producing meanings that are susceptible to being interpreted as a text – and it is a question of an interpretation of the concept of negligence: a reading of the academic material that is carried out in relation to the practices of care considered to be insufficient or inappropriate for children and adolescents.

Discussion

Families in the Brazilian context

We do not aim, here, to go into great depth on the different conceptions of family, but only to remember that in various studies the family assumes various outlines and shapes. Thus, the family is not a ‘natural’ institution, stable, harmonious and private. Bourdieu affirms that, although the family appears as a natural category, *it is the product of a veritable work of institution, ritual and technique at the same time, which aims to institute, in a lasting manner, in each one of the members of the unit instituted, feelings that are appropriate to ensuring the integration that is the condition of existence and of the persistence, of this unit¹².*

On the one hand, we can see the ‘veritable work of institution’ that forms the family, which causes the family to appear to be what it is not; on the other, based on the ethnographies of families, we are also aware of the capacity of negotiation that exists in various forms of family, opening possibilities for new family arrangements that seek to go beyond the ‘institution’ model.

Among the various studies that have dedicated themselves to the subject of the family we highlight the work of Elizabeth Bott¹³ which, although it is marked by portraying the family of a specific period (London society in the 1950s), is important in that the author thinks about the interconnectivities in the family – the structure of the networks – and, thus, goes beyond the simple fact of a family relationship. She states that she is *interested not only in the general structure of the system of family relationship, but also in the way in which it is manipulated in particular cases¹³.*

For her analysis, Bott takes as her starting point the family, the fact of cohabitation, and of what the interviewees mention of the networks of relationships that are constituted around families. Thus, she opens up the unit of the family and extends her analysis to the external relationships of families with *friends, neighbors, relations, clubs, shops, workplaces¹³*, in other words, with institutions. Bott’s work enables us to observe that there is a capacity for social movement. People do not imprison themselves within the internal frontiers of the family, and even in the interior of the family, there is the possibility of giving value to people within the scope of family relationship or of being neighbors, and to insert them, or not, in the network: one cousin is more cousin than the other; and there may be a friend who is more brother than the real brother.

When we think of the network of relationships constructed around the family, it reminds us to the notion of home, house, place of residence. Not exactly as a point of departure of this network, but as an aspect that establishes a strong link with the conceptions that we have about family. In Bourdieu's view, home is a visceral phenomenon. He says that *the dominant, legitimate, definition of the normal family [...] is supported on a constellation of words – home, domestic unit, house, home, householder – which, under the appearance of describing the social reality, in fact construct it*¹².

And what makes a house a 'home'? According to Yanagisako¹⁴, it is a reference in the manner in which this domain of themes surrounding *household* and the domestic unit is classified. This author produces analysis about the idea of 'universal family', discusses the definition of family and household and, in contrast to what was being done up to that moment, observes the aspects involved in the commitment to maintain this domestic unit. Thus, she calls attention to a system of attribution of value in the constitution of the family that involves the cultivation of affections. The domestic unit does not refer only to the physical space of the living location. The *Household* is made up of a series of activities: making and consuming food; sexual reproduction; caring for the children. All this is in a certain way covered up by the impenetrable brand of 'domestic' activities¹⁴.

Thus, family can be analyzed in the relations with gender, family relationship, reproduction, sexuality and the policies of the family which, as we perceive in various academic texts that deal with the subject of negligence, *govern bodies and souls*¹⁰. Here there are in play, or in the form of threat, the affections as elements that attribute value to the family. In spite of the empirical evidence and the research that confirms the diversity of conceptions of families, the family that is mirrored in public family policies is the one that is based on the conception of universal family.

The discussions on negligence centralize families as a locus of care or absence of care in infancy. Due to the allocation of responsibility for care in this period, many families are considered to be negligent. Nascimento¹¹ supports this with the description: *Defined by the concept of negation, the negligent family is considered 'guilty' for its strategies of survival, accused for what it did 'not do', for a lack of action in providing the needs of the child. The negligent family is the one that does not do expected things, and does not find power of life in the things that it does, which in general are not those things that it is expected that it should do. The best*

is not made of what exists, since the higher value is in the world of ideas, and not in the living practices.

Foucault¹² affirms that *we are aware of certain discourses of our society through the system of culture*. The family, too, is seen within this cultural system, a fact that translates the interference of its customs and practices in the relationships of care taken with its children. Sarti⁵ says that to understand the meaning of these phenomena that portray cultural values, *it is necessary to see them in their relationship with the wider structures of dominance that constitute this society*. Sarti believes that it is important to have knowledge of the habits, ideas and beliefs for understanding of the meanings applied to certain questions and issues, and here we highlight the negligences against children attributed to their family.

And today, also, we reflect how political and socio-economic changes have set off new family logics and configurations. Hillesheim et al.¹⁵ emphasized that: *families are thus re-inscribed in a regime of vigilance and regulation; in this sense, the more undefined is the concept of negligence, the more it is molded to the needs of control and disciplining of the subjects*. (Page 178). Thus, it is worth highlight the arguments of Fonseca and Cardarelo¹⁶ on the situations in which the family is held responsible:

*The passage from the concept of 'socio-economic problem' to 'negligence' reveals a change in focus on the view of a poor childhood, and its family, in Brazil. If in 1985 it was considered that effects such as 'begging', 'ill treatment', 'disintegration of the family' and 'disease of minors' were a direct consequence of 'socio-economic problems', today, more than ever, the poor family, and not some structural issue, is blamed for the situation in which its children find themselves. It is the family that is 'negligent', ill-treats the children, makes them beg, does not provide them with good conditions of health, in other words 'does not organize itself'. Summing up, it seems that the poor family – and not the 'Public Power' or 'society in general' – is the easiest target for retaliations. Thus a particular situation is created in which the notion of 'child/citizen' brings with it the almost inevitable complement of 'negligent parents'*⁹.

Nascimento and Scheinvar¹⁰, when discussing the social equipment available for protection of infancy, highlight that *there is inscribed into it a modality of power sustained on discipline*; and they state that this monitoring is performed both by those that have a coercive role, and also by those that have a disciplinary function. Thus the citizen, and also the social 'equipment', is also implicated in this logic of control. Nascimento

et al.⁹ state that *when parents show a given type of behavior that differs from the instituted concept of care, we see weighing upon them the blame that categorizes them and segregates them, making them, in this context, negligent parents, which becomes a place that they then occupy.*

It is emphasized that in response to the Brazilian reality, any statement indicating intentions in cases of negligence by parents and carers, is also a statement indicating the inequalities, in that the resources necessary for 'full care' of the children are not available to all the levels of society. It is not a small number of families that live in situations of poverty and misery, for example – and who intentionally do not take their children to school, because they have succeeded in getting a school place only in a location far from their home, and which is dangerous; or unintentionally, do not take the children to school due to the scarcity of transport arising from the absence of inefficiency of public policies.

The Brazilian Pediatric Society (*Sociedade Brasileira de Pediatria*)¹⁷ states that: *the identification of negligence in our society is complex due to the socio-economic difficulties of the population, which leads to questioning whether there is in fact intentionality. However, independently of the culpability of the person responsible for care for the victim, an attitude of protection in relationship to the victim is necessary.*

It should also be highlighted that analyzing and discussing social questions that interrelate with the concept of negligence in the family does not exempt the cases that take place within homes from attention. Care in infancy is extremely necessary, because there are situations of negligence that put children in danger.

We perceive that the studies that are descriptive and deal with adverse occurrences no longer question the category, but include it in the list of other violences, naturalizing a logic of aggression, like the one that Mata¹⁸ presents when discussing the concept of negligence, which allows a circular approach to the blame directed to the family when there are cases of negligence.

“Negligent families” or neglected families? The view from different fields of knowledge

What makes a family a 'negligent family'? This is a question that remits to considerations on the theoretical-methodological implications of the definition of what is a 'family', especially considering the aspects relating to family relationship, the place of living accommodation, and reciprocal obligations.

The studies on which we have commented above provide some elements that differentiate between families. Bott's study¹³, for example, reminds us of the relationships that are constituted around families and when we transport them to the discussion being carried out here, we see that among the various arguments that corroborate the definition of a negligent family, the situations of circulation of the child among people who are external to the family is a reason that will be added to the dossier that identifies and labels a family as negligent.

We observe in the academic texts analyzed that, sometimes, the attribution of negligence to a certain family was constituted based on criteria marked by a reference to the traditional bourgeois family. In other words, the arguments made here seek to give meaning to the experiences and dramas that happen between the families and their children, often belonging to the poorer sector of society, who are relocated from the situation of poverty to the situation of negligence. Nascimento¹⁹ states that *in the contemporary world, practices of disqualification are associated to processes of criminalization of poverty. Immediate links are made between the poor and negligence toward their children, indicating that these families would not have the situation and ability to educate their children appropriately.*

In the texts produced by the pediatric profession, the clinical view on the situations of negligence in infancy highlights the damage caused to the child. The discourses are centered on the damage to the health of the children and on the situation of supposed risk. In response to the gravity of cases of burns, for example, being sensitive to the severity and possible scope of the trauma, professionals of the pediatric area use the concept of negligence in a generalized form, based on the technical conception of their area of activity. Consequently, other aspects (socio-economic condition, housing conditions, habits and practices of care, etc.) are not analyzed or dealt with; and they also reproduce the notion of the family being made responsible for the adverse effects of negligence in infancy. The following is quoted from the study by Hillesheim et al.¹⁵:

The speech of one of the doctors gives us a direction: he identifies that situations of negligence are more frequent in adolescent mothers, in cases where the parents use drugs, in de-structured families, and, in a more generic manner, in unhappy families. In the observations made with community agents, the accent is given to the aspects of lack of access to material conditions – poverty – although this is not seen as a determinant factor, since they

recognize situations of poverty in which the children receive care that is considered to be appropriate¹⁵.

Although the texts coming from the pediatric area emphasized the clinical point of view on the situations defined as child negligence, we cannot avoid highlighting the considerations of Zyngier²⁰ when he states that *when a poor child is neglected and dies in Brazil, one does not ask who neglected that child. Everyone did.*

The discourses of the area of psychology also appropriate the concept of negligence in accordance with their working context. There are studies that emphasize psychosocial, cultural, political, structural, and economic issues, and, principally, poverty, which constantly appear in the debates of the area when dealing with the concept of negligence. Similarly, in the text produced by professionals of the social services the linear association between poverty and negligence is questioned, especially in texts whose authors work in the area of social protection for infancy.

In a study of carers who have been notified for negligence, Bazon and Bérnago²¹ report that: *On the socio-demographic plane, when compared with non-negligent families, the negligent ones would have a higher number of pregnancies, and these would, often, be the result of non-planned conceptions, and would be characterized by having greater economic difficulty, living in more adverse conditions, generally with the help of social benefits. In psychological terms, the carers would have a lower level of self-esteem, and greater impulsiveness, being more frequently diagnosed for abusive use of alcohol and other drugs and, in psychosocial terms, would be more intensely living with a lack of social support and feeling more strongly the stress associated with daily life, including the stress arising from care for the child.*

Thus, these same authors quoted above highlight that it is necessary to bear in mind the possible confusion between the condition of poverty of the family, and the problem itself²⁰. The study by Stamato²² at one point says the following: *For this reason, we need to take care not to confuse negligence of parents against children with absence of families' material conditions, neglected by the inequality of classes, exposed to poverty at a miserable level, excluded from access to goods, services and wealth, abandoned by disinformation, alienation, isolation, victims of a selfish and excluding society.*

When we consider the shortfalls of public policies and intervention by the State (selectively and punitively) in the situations referred to as negligence in families, the perspective that such

studies introduce links parental negligence to negligence by the state. Some authors perceive an effort to direct blame solely to parents, especially in families of the poorer sections of society, as a way of 'criminalizing poverty'.

These authors also call attention to the coercive role that the State can exercise on families and their children. Nascimento¹¹ in his study on shelter, poverty and negligence, makes an analysis placing policies of protection as possible means of judicialization of life. He states that *the Children's and Adolescents' Law (ECA) does not highlight negligence, in the sense of defining it or insisting that it be characterized. Thus, it is not what is said by the law that on its own blames the parents. It is the daily routine of its application that has built the place the negligence occupies today, which has led, today, to the force of intervention that it has in the field of care for and assistance to children and adolescents*¹⁹.

It is worth also pointing out that among these studies that have been fundamental for defining and analyzing the concept of negligence, there is a very fine analysis that links negligence to the practice of protective measures and acceptance by institutions. On this point, once again the study by Nascimento¹⁹ is seminal for this discussion. This author repeats throughout her study that *the practices that became constituted with the presence of the Law on Children and Adolescents gave body to the discourse about negligence.* On this point, although it is a long quotation, we consider it important to present a summary by Nascimento on the links that connect protection and negligence:

The so-called system of guarantees of rights for children and adolescents put in place, through the Children's and Adolescents' Law, the so-called integral protection, a proposal that gives the government more power over the bodies of children, adolescents and their family members. The technologies of power promote security policies, which are permanent negotiation games in the form of management: the questions of to what point one is governed, why one is governed, how one is governed, and to what limit one is governed. Based on these parameters, the so-called protection establishes permanent processes of negotiation through the route of consent. Control is effected by positiveness, since the relationships of power do not operate only by oppression. The fact of having positiveness avoids revolt, produces health, and makes possible states of wellbeing that lead to the acceptance of the strategies of power and of making-subject. That is to say, the so-called protection functions in the sense of negotiation. It is accepted even with its contin-

*gence of violence and containment, because it is government, it is control, but also because it can provide comfort, solutions, and for this reason one waits for it, one hopes for it; in the final analysis, there is seduction in the fact of feeling protected*¹⁹.

Thus, we can state that the more that indiscriminate use of the definition of negligence was fixed into the identity of families, especially those in the poorer sections of society, the more studies emerged seeking to go deeper into the concept of negligence and its specificities, looking at the construction of this social reality and the diversities of the Brazilian context.

Final considerations

Among the categories of accusation that label a given family as negligent, and those based on situations of omissions in the context of practices of care for children, we observe that the work of naturalizing the category under consideration does not hold up if we reflect critically on the social production of the concept of negligence. However, here and there, we point out that there are controversies on the way of understanding this concept when it is situated in living practices, operating on the formulations of given family scenarios. Revealing to us, after all, the complexity of defining a situation as negligence: families can reproduce, practice, or suffer negligence. Further, there is a discussion that does not involve the texts analyzed here. If the situations of negligence are labels predominantly attributed to poor and neglected families, it may be especially because it is these families that arrive at the technical staff of the care network and are attended in public hospitals; the supposed situations of negligence attended in private hospitals or kept within the bosom of a family of middle-class or elite groups of society are not exposed to social analysis. However, in scenarios of disputes between middle-class parents in litigation for custody of the children, accusations of 'negligence' are frequently applied to a former spouse, aiming to disqualify that person's capacity for care. The so-called situations of 'parental alienation' challenge the professional discernment of the agents of the system that aims to guarantee the rights of children and adolescents, and call attention to the use of the category as a strategy for building an image of parental incompetence.

What such scenarios of disputes reveal to us is that beyond the classifications predominantly imputed to poor families, the work of constructing the negligent individual also includes the

work of removal from the social picture of an important figure in the constitution of the family – the father. Further, we perceive that the process of pointing to the family in cases of negligence also involves gender, in that in most cases the responsibility for caring for the children falls upon the 'mothers'. Here, often, we see the accusation of 'negligent family' being relocated toward 'negligent mother'.

In this article we have sought to show that it is necessary to exercise caution when dealing with the various practices adopted by families for taking care of their children. We believe that generalization should not be part of the scope of care, in that, for example, there is no single universal socio-cultural context in family relationships, and the points of view in care are also individual, particular. Responsibilities for care are given to all people, but the way in which they care for children is aligned with the interior of their structures and abilities – economic, and social, resources, habits, and culture among other factors. Thus, as well as the concepts on the best way of caring, there are the limits imposed on the family, which place difficulty in the way of an integral, 'ideal' care. From this point of view, the art of care *should not generalize across cases, but generalize within them*⁶, making comprehension a significant cause and effect in the context.

Finally, more than defining a family as negligent or neglected, there should be critical reflection and interventions directed to the social and personal dramas that afflict families and their children, with a view to caring for the families as a whole, strengthening them in their protective abilities.

Collaborations

NT Mata, LMB Silveira and SF Deslandes participated in the planning, analysis and write-up of the article.

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